

AN ORDINANCE

REPEALING CHAPTER 6, ARTICLE IV, ENTITLED “HOUSING CODE,” OF THE CITY CODE OF SAN ANTONIO, TEXAS, AMENDING CHAPTER 12 OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ADOPTING THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND LOCAL AMENDMENTS, AND BY PROVIDING FOR PENALTIES, PUBLICATION AND AN EFFECTIVE DATE.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 6 of the City Code of San Antonio, Texas, is hereby amended by repealing Article IV, Housing Code.

SECTION 2. Chapter 12 of the City Code of San Antonio, Texas, is hereby amended by adding a new Article I entitled “International Property Maintenance Code” as follows:

ARTICLE I. INTERNATIONAL PROPERTY MAINTENANCE CODE.

Sec. 12-1. Adoption of the International Property Maintenance Code.

The 2009 International Property Maintenance Code is hereby adopted and incorporated herein as fully as if set out at length as the Property Maintenance Code for the City of San Antonio, Texas.

SECTION 3. Chapter 12 of the City Code of San Antonio, Texas, is hereby amended by adding a new section to be numbered 12-2 that reads “Local Amendments to the 2009 International Property Maintenance Code.” Changes are delineated by adding the underlined (added) language and deleting the stricken (~~deleted~~) language as follows:

Sec. 12-2. Local Amendments to the 2009 International Property Maintenance Code.

Section 101.1 Title is amended as follows:

101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of San Antonio ~~{name of jurisdiction}~~, hereinafter referred to as “this code.”

Section 101.3 Intent is amended as follows:

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired within a reasonable time to provide a minimum level of health and safety as required herein.

Section 102.3, Application of other codes, is amended to read as follows

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the ~~{procedures and}~~ provisions of all Ordinances adopted by the City. ~~{the International Building Code, International Fuel Gas Code, International Mechanical Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.}~~

Section 102.5 Workmanship is amended to read as follows:

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions unless specified otherwise in State Statutes and Regulations.

Section 102.6 Historic buildings, is repealed in its entirety.

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION, is amended to read as follows:

SECTION 103
HOUSING AND NEIGHBORHOOD SERVICES DEPARTMENT
[DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION]

Section 103.1 General, is repealed and replaced with the following:

103.1 Enforcement agency. The Housing and Neighborhood Services Department shall be the enforcement agency for this code, and the Director thereof shall be known as the code official.

Section 103.2 Appointment, is amended to read as follows:

103.2 Appointment. The code official shall be appointed by the City Manager. ~~{chief appointing authority of the jurisdiction}.~~

Section 103.3 Deputies, is amended to read as follows:

103.3 Employees ~~[Deputies]~~. In accordance with the prescribed procedures of the City ~~[this jurisdiction and with the concurrence of the appointing authority]~~, the code official shall have the authority to designate employees ~~[appoint a deputy(s)]~~. Such employees shall have the powers as delegated by the code official.

Section 103.4 Liability, is amended to read as follows:

103.4 Liability. The *code official* ~~[, member of the board of appeals]~~ or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

Section 103.5 Fees, is repealed in its entirety.

Section 104.3 Right of entry, is repealed and replaced with the following to read as follows:

104.3 Right of entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

Section 104.4 Identification, is amended to read as follows:

104.4 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code. The code official shall make efforts to notify available onsite management and impacted occupants of their presence and exhibit proper identification.

Section 105.3 Required testing, is amended to read as follows:

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require reasonable tests to be made as evidence of compliance at no expense to the jurisdiction.

Section 105.3.1 Test methods, is amended to read as follows:

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures ~~[performed by an approved agency]~~.

Section 106.3 Prosecution of violation, is repealed and replaced with the following to read as follows:

106.3 Prosecution of violation. Failure to comply with a notice of violation served in accordance with section 107 may result in criminal or civil penalty.

Section 106.4 Violations penalties, is repealed and replaced with the following addition to read as follows:

106.4 Violation penalties. Any person, firm, corporation or agent or employee thereof who violates any of the provisions of this article shall be fined an amount not less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2,000.00) provided, however, in the event a defendant has once previously been convicted under this code, the defendant shall be fined an amount not less than two hundred dollars (\$200.00) and shall be fined an amount not less than three hundred dollars (\$300.00) for a third conviction and for each conviction thereafter. Each day a violation is permitted to exist shall constitute a separate offense. Nothing in this section shall limit the remedies available to the City in seeking to enforce the provisions of this code.

Section 106.5 Abatement of violation, is amended to read as follows:

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the City Attorney ~~[the legal officer of the jurisdiction]~~ from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

Section 106.6 Personal Liability of Non-Owners is added to read as follows:

106.6 Personal liability of non owners. An individual who is an employee of the owner if real property for which a citation for a violation of this code is issued, or of a company that manages the property on behalf of the property owner, is not personally liable for civil or criminal penalties resulting from the violation if, not later than the fifth calendar day after the date the citation is issued, the individual provides the property owner's name, current street address, and telephone number to the enforcement officer of the official's superior.

Section 107.1 Notice to person responsible, is amended to read as follows:

107.1 Notice to person responsible. Whenever the code official has determined that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. ~~[Notices for condemnation procedures shall also comply with Section 108.3.]~~

Further, in a notice provided under this section, the code official may inform the owner that if the owner commits another violation, of the same or similar nature, of any provisions of this code on or before the first anniversary of the date of the notice, the City, without further notice, may proceed with the prosecution of said violation.

Section 107.2 Form, is amended to read as follows:

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real property ~~[estate]~~ sufficient for identification. This does not require a legal description.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable amount of time to make the repairs and improvements required to bring the premises ~~[dwelling unit or structure]~~ into compliance with the provisions of this code.

~~[5. Inform the owner of the right to appeal.]~~

~~[6. Include a statement of the right to file a lien in accordance with Section 106.3.]~~

Section 107.3 Method of service, is amended to read as follows:

107.3 Method of service. Such notice shall be deemed to be properly delivered if a copy thereof is:

1. Delivered personally; or
2. Sent by certified mail, postage pre-paid, return receipt requested ~~for first class mail~~ addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

Section 107.5 Penalties, is repealed in its entirety.

Section 107.6 Transfer of ownership, is repealed in its entirety.

Section 108.1 General, is amended to read as follows:

108.1 General. When ~~[a structure or]~~ equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy~~[-]~~ or is found unlawful, both the structure and equipment [such structure] shall be deemed to be threats to the public health, safety or welfare ~~[condemned pursuant to the provisions of this code]~~.

Section 108.1.1 Unsafe structures, is repealed in its entirety.

Section 108.1.5 Dangerous structures or premises, is repealed in its entirety.

Section 108.2 Closing of vacant structures, is repealed in its entirety.

Section 108.2.1 Authority to disconnect service utilities, is repealed in its entirety.

Section 108.3 Notice, is amended to read as follows:

108.3 Notice. Whenever the code official has determined ~~[condemned]~~ a structure or equipment to be a threat to the public health, safety or welfare under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible

for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the ~~{condemned}~~ equipment. The notice shall be in the form prescribed in Section 107.2.

Section 108.4 Placarding, is repealed in its entirety.

Section 108.4.1 Placard removal, is repealed in its entirety.

Section 108.5 Prohibited occupancy, is amended to read as follows:

108.5 Prohibited occupancy. Any occupied structure determined ~~{condemned and placarded}~~ by the code official to be a threat to the public health, safety or welfare shall be vacated as ordered by the code official. ~~{Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall "be liable for the penalties provided by this code."}~~

Section 109 EMERGENCY MEASURES, is amended to read as follows

109.1 Imminent Danger. When, in the opinion of the code official, there is imminent danger ~~{of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure,}~~ or when there is actual or potential danger to the building occupants ~~{or those in the proximity of any structure}~~ because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, or when the structure is found unfit for human occupancy by the code official as described in section 108.1.3 Structure unfit for human occupancy, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition ~~{or of demolishing the same}~~.

~~**[109.2 Temporary safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.]~~

~~[109.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.]~~

~~[109.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.]~~

~~[109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.]~~

~~[109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described by this code.]~~

Section 110 DEMOLITION, is repealed in its entirety.

Section 111 MEANS OF APPEAL, is repealed in its entirety.

Section 112.4 Failure to comply, is repealed in its entirety.

Section 202 GENERAL DEFINITIONS, is amended by adding the underlined (added) language to the existing text and deleting the stricken (deleted) language as follows:

CITY. The City of San Antonio.

CODE OFFICIAL. The Director of Housing and Neighborhood Services or designee ~~[official]~~ who is charged with the administration and enforcement of this code ~~[, or any duly authorized representative].~~

HAZARDOUS VEGETATION. Dead and dying trees, tree limbs or other natural growth which, by reason of rotting, deterioration, physical damage or storm damage constitutes a hazard to persons or structures within the vicinity thereof.

~~**[INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.]~~

LOT. Shall also include for purposes of this code, in addition to the land within its boundaries, all land adjacent to and extending beyond the property line to the curbline of adjacent streets, and where no curb exists, to the existing street surface. The word lot shall also include all land lying between the property line of any lot and the center of adjacent alleys.

OUTSIDE PLACEMENT. Outside placement of any item, which is not customarily used or stored outside or not made of a material that is resistant to damage or deterioration from exposure to the outside environment, for a period in excess of twenty-four (24) hours. Said items include, but are not limited to, auto parts, appliances, metal or wood products or parts not converted to a final use, beverage, food or other containers not stored within a closed household recycling bin or refuse container, plumbing fixtures commonly used indoors or that have been converted to another use. Outside placement includes placement in a structure that is open or not completely enclosed, including any porch cover or carport or upon any open porch or under any tarp.

Exception: Outside placement does not include a reasonable amount of lawn care tools or recreational equipment stored incidental to the use of a property.

PRIVATE SWIMMING POOL. Any swimming pool which is closed to the general public

PUBLIC SWIMMING POOL. Any swimming pool which is open to the general public for a fee or otherwise.

REASONABLE. The code official shall grant a minimum of ten (10) days to cure any notice of violation unless a stricter requirement exists in either City Ordinance or State law.

Commentary: The code official may extend the time frame for compliance based on the severity and nature of the condition and the reasonable availability of materials and labor and of utilities.

SEMIPUBLIC SWIMMING POOL. (1) Any privately owned swimming pool or spa which is open to the general public for a fee; or (2) Any swimming or wading pool, spa or sauna, serving a private club, motel, hotel, apartment building, school, child care facility, recreational or physical fitness facility, institution, home owner's association, or other similar activity or structure, the use of which is limited to members, residents, students, or clients and their guests.

[STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.]

SURFACE HAZARD. Holes, excavations, breaks, projections, obstructions and other hazardous conditions on paths, walkways, driveways, parking lots, parking areas and other parts of the premises which are accessible to any person entering thereon.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

SWIMMING POOL – INDOOR. A swimming pool which is totally contained within another structure and surrounded on all four sides by the walls of the enclosing second structure.

SWIMMING POOL – OUTDOOR. A swimming pool which is not an indoor swimming pool.

Section 301.2 Responsibility, is amended to read as follows:

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code or in State or Federal Law. A person shall not occupy as owner-occupant or permit another person to occupy premises which ~~are not in a sanitary and safe condition and~~ do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

Section 301.3 Vacant structures and land, is repealed in its entirety.

Section 302.1 Sanitation, is amended to read as follows:

302.1 Exterior maintenance [Sanitation]. All exterior property and premises shall be maintained in a clean, safe and sanitary condition and free of any outside placement, hazardous vegetation or surface hazards. ~~[The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.]~~

Section 302.2 Grading and drainage, is amended to read as follows:

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved detention areas, retention areas, filtration areas and reservoirs.

Section 302.4 Weeds, is amended to read as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height. ~~{(jurisdiction to insert height in inches)}~~ All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens or native grasses and annual plants installed as part of a landscaping design.

Commentary: The abatement of any violation of this section is subject to the regulations established under City Code Chapter 14, Article V, Lot Clearance.

~~{Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.}~~

Section 302.6 Exhaust vents, is amended to read as follows:

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

Exception: Pipes, ducts, conductors, fans or blowers installed under approved permit or Certificate of Occupancy and such permit or Certificate of Occupancy is provided by the Owner to the code official.

Section 302.8 Motor vehicles, is repealed in its entirety.

Section 302.9 Defacement of property, is repealed in its entirety.

Section 303.1 Swimming pools, is amended to read as follows:

303.1 Swimming pools. Swimming pools, spas and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.

Section 303.2 Enclosures, is amended to read as follows:

303.2 Enclosures. The provisions of this section apply to existing private outdoor swimming pools, hot tubs and spas built prior to January 1, 2010. The provisions of this section do not apply to public or semi-public swimming pools, hot tubs and spas.

All private ~~Private~~ swimming pools, hot tubs and spas containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be lockable or self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. Privacy fences can serve as the enclosure. Where a wall of dwelling unit serves as part of the enclosure doors must be lockable. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, the ladder or steps shall be capable of being secured, locked or removed to prevent access; or the ladder or steps shall be surrounded by an enclosure as described in this section.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

All private swimming pools, hot tubs and spas built after January 1, 2010 must comply with the requirements of the *International Residential Code*, Appendix G, as amended by the City.

Section 304.1.1 Unsafe conditions, is repealed in its entirety.

Section 304.3 Premises identification, is amended to read as follows:

304.3 Premises identification.The property shall have address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102mm) high with a minimum stroke width of 0.5inch (12.7 mm). ~~{Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102mm) high with a minimum stroke width of 0.5inch (12.7 mm).}~~

All multiunit buildings shall have signage that identifies all units contained within the building. The signage should be placed in a position to be plainly legible and visible from the driveway fronting the building. The signage shall have a contrasting background with a minimum of 4 inches (102mm) high lettering with a minimum stroke width of 0.5inch (12.7 mm).

Section 304.13.1 Glazing, is amended to read as follows:

304.13.1 Glazing. All glazing materials shall be maintained in sound condition and good repair ~~{free from cracks and holes}~~.

Section 304.14 Insect screens, is amended to read as follows:

304.14 Insect screens. ~~Every {During the period from [date] to [date], every}~~ door, window and other outside opening required for *ventilation of habitable spaces*, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exceptions: (1) Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed. (2) Habitable spaces served by air conditioning unless the air conditioning has not been functioning for more than seven (7) consecutive days.

Section 304.15 Doors, is amended to read as follows:

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units ~~{and sleeping units}~~ shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

Section 304.18 Building security, is amended to read as follows:

304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

The owner's of residential rental units shall be deemed to have met this requirement by installing devices that are required under the TEXAS PROPERTY CODE- TITLE 8 LANDLORD AND TENANT - CHAPTER 92. RESIDENTIAL TENANCIES- SUBCHAPTER D. SECURITY DEVICES.

Section 304.18.1 Doors, is repealed in its entirety.

Section 304.18.2 Windows, is repealed in its entirety.

Section 304.18.3 Basement hatchways, is repealed in its entirety.

Section 305.1.1 Unsafe conditions, is repealed in its entirety.

SECTION 306 - COMPONENT SERVICEABILITY, is repealed in its entirety.

Section 307.1 General, is amended to read as follows:

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code. Guards in commercial buildings and R-2 Occupancy shall be governed by the International Fire Code and local amendments.

Section 308.2.1 Rubbish storage facilities, is repealed in its entirety.

Section 308.2.2 Refrigerators, is amended to read as follows:

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on the exterior of the premises ~~[without first removing the doors]~~.

Section 308.3 Disposal of garbage, is amended to read as follows:

308.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner ~~[by placing such garbage in an approved garbage disposal facility or approved garbage containers]~~.

Section 308.3.1 Garbage facilities, is repealed in its entirety.

Section 308.3.2 Containers, is repealed in its entirety.

Section 309.2 Owner is amended to read as follows:

309.2 Extermination prior to occupancy. ~~[Owner]~~ The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

Section 402.1 Habitable spaces, is amended to add a second exception:

402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exceptions: (1) ~~[Exception:]~~ Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

(2) Where installed under approved permit or Certificate of Occupancy and such permit or Certificate of Occupancy is provided by the Owner to the code official.

Section 403.1 Habitable spaces, is amended to add a second exception:

403.1 Habitable spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exceptions: (1) ~~[Exception:]~~ Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

(2) Unless allowed by approved permit or Certificate of Occupancy and such permit or Certificate of Occupancy is provided by the Owner to the code official.

Section 403.2 Bathrooms and toilet rooms, is amended to add an exception:

403.2 Bathrooms and toilet rooms. Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

Exception: Re-circulating mechanical ventilation system allowed by approved permit or Certificate of Occupancy and such permit or Certificate of Occupancy is provided by the Owner to the code official.

Section 403.4 Process ventilation, is amended to add an exception:

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

Exception: Re-circulating vent hoods allowed by approved permit or Certificate of Occupancy and such permit or Certificate of Occupancy is provided by the Owner to the code official.

Section 404.2 Minimum room widths is amended to add an exception as follows:

404.2 Minimum room widths. A habitable room, other than a kitchen shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

Exception: Allowed by approved permit or Certificate of Occupancy and such permit or Certificate of Occupancy is provided by the Owner to the code official.

Section 404.3 Minimum ceiling heights is amended to add a fourth exception:

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required

minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

4. Allowed by approved permit or Certificate of Occupancy and such permit or Certificate of Occupancy is provided by the Owner to the code official.

Section 404.4.1 Room area, is amended to read as follows:

404.4.1 Room area. Every living room shall contain at least 120 square feet (11.2m²) and every bedroom occupied by one person shall contain at least 70 square feet (6.5m²). Every bedroom occupied by more than one person shall contain at least 50 square feet (4.6m²) for each occupant thereof.

Section 404.6 is amended to read as follows:

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit, from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.

Exception: Square footage allowed by approved by permit or Certificate of Occupancy and such permit or Certificate of Occupancy is provided by the Owner to the code official.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

Section 502.4.1 Drinking facilities is amended to read as follows:

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink, lavatory or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

Section 502.5 Public toilet facilities is amended to delete the second sentence.

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the International Plumbing Code. ~~[Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.]~~

Section 503.3 Location of employee toilet facilities, is amended to read as follows:

503.3 Location of employee toilet facilities. Employees shall have access to toilet facilities near the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: (1) No toilet facility is required at on offsite work area. (2) In multi-unit residential properties a toilet facility is not required if there is no onsite management office located on the property. (3) In multi-unit residential properties where there is an onsite management office, there is no maximum travel distance to a toilet facility. (4) Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

Section 506.3 Grease interceptors, is repealed in its entirety.

Section 602.1 Facilities required, is amended to read as follows:

602.1 Facilities required. Heating facilities shall be provided in structures and shall be capable of maintaining room temperature of 60° F in all habitable spaces, bathrooms and toilet rooms. ~~[as required by this section.]~~

Section 602.2 Residential occupancies, is repealed in its entirety.

Section 602.3 Heat supply, is amended to read as follows:

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from November 1st to March 31st to maintain a temperature of not less than 60°F (15.56C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions: (1) When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in

Appendix D of the *International Plumbing Code*, as amended by the *City*. (2) In areas where the average monthly temperature is above 30° F (-1°C) a minimum temperature of 60°F (15.56°C) shall be maintained.

Section 602.4 Occupiable work spaces, is repealed in its entirety.

Section 603.5 Combustion air, is amended to add an exception as follows:

603.5 Combustion air. A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

Exception: A supply of air for complete combustion of the fuel and for ventilation must be maintained as allowed by approved permit or Certificate of Occupancy and such permit or Certificate of Occupancy is provided by the Owner to the code official.

Section 604.2 Service, is amended to read as follows:

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

Exception: Electric service may be maintained as allowed by approved permit or Certificate of Occupancy and such permit or Certificate of Occupancy is provided by the Owner to the code official.

Section 604.3.1 Abatement of electrical hazards associated with water exposure is repealed in its entirety.

Section 604.3.1.1 Electrical equipment, is repealed in its entirety.

Section 604.3.2 Abatement of electrical hazards associated with fire exposure, is repealed in its entirety.

Section 604.3.2.1 Electrical equipment, is repealed in its entirety.

Section 605.2 Receptacles, is repealed in its entirety.

Section 605.3 Luminaires, is repealed in its entirety.

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS, is repealed in its entirety.

Section 702.3 Locked doors, is amended to read as follows:

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code, International Residential Code, or the required security devices enumerated in the Texas Property Code.

Section 703 FIRE-RESISTANCE RATINGS, is repealed in its entirety.

Section 704.1 General, is amended to read as follows:

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition in accordance with the International Fire Code.

The duties of landlords to inspect and repair smoke alarms in residential dwelling units leased to others are governed by the TEXAS PROPERTY CODE- CHAPTER 92- SUBCHAPTER F. SMOKE DETECTORS.

Section 704.1.1 Automatic sprinkler systems, is repealed in its entirety.

Section 704.2 Smoke Alarms, is amended to read as follows:

704.2 Smoke alarms.

Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R4 and in dwellings not regulated in Group R occupancies, regardless of *occupant* load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*. If at least one bedroom is located on a level above the living and cooking area, the smoke detector for the bedrooms must be placed in the center of the ceiling directly above the top of the stairway and in the immediate vicinity of the bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including *basements* and cellars but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

In Group R occupancies, installation shall be in accordance with Section 907.2.11 of the *International Fire Code*, as amended by the *City*.

Exception: R-2 and R-3 occupancies not used for commercial purposes (including duplexes and houses for either sale or rent) shall maintain the smoke detector required at the time of construction and as required by State Statute and shall install additional smoke alarms in the prescribed locations using the following schedule:

- a. Within 7 days after the written request of a tenant of a leased unit;
- b. Before a new tenant takes possession of a dwelling unit;
- c. All required alarms must be installed prior to January 1, 2012

Single-or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code, as amended by the City.

Section 704.3 Power source, is amended to read:

704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where no construction is taking place. ~~[,buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.]~~
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.
4. Smoke alarms are permitted to be solely battery operated if added to comply with this section.
5. Smoke alarms are permitted to be operated solely from the building wiring if installed prior to the adoption date of this code.

Section 704.4 Interconnection, is amended to read:

Ted Final Version 19 Up to date with notes w/ Marc Castro on May 25, 2010.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual *dwelling unit* in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all *bedrooms* over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations. ~~[repairs or construction of any kind.]~~
2. Smoke alarms in existing areas are not required to be interconnected where alterations [or repairs] do not result in the removal of interior wall or ceiling finishes exposing the structure. ~~[unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.]~~

Section 704.5 Additional Requirements in Leased Tenancies contained within R-2 and R-3 Occupancies is added to read as follows:

704.5 Additional Requirements in Leased Tenancies contained within R-2 and R-3 occupancies not used for commercial purposes (including duplexes and houses for rent). The following requirements apply:

1. The landlord shall determine that the smoke alarm is in good working order at the beginning of the tenant's possession by testing the smoke alarm with smoke, by operating the testing button on the smoke alarm, or by following other recommended test procedures of the manufacturer for the particular model.
2. A tenant shall not remove a battery from a smoke alarm without immediately replacing it with a working battery or knowingly disconnect or intentionally damage a smoke alarm, causing it to malfunction.
3. The duties of landlords to inspect and repair smoke alarms in residential dwelling units that are leased to others are governed by the TEXAS PROPERTY CODE- CHAPTER 92- SUBCHAPTER F. SMOKE DETECTORS.

Appendix A - BOARDING STANDARDS, is repealed in its entirety.

SECTION 4. Three (3) copies of both the International Property Maintenance Code and its local amendments have been and are now filed in the Office of the City Clerk of the City of San Antonio for permanent record and inspection pursuant to section 17 of the City Charter. From the date on which the Ordinance shall take effect, the provisions thereof are controlling within the limits of the City of San Antonio, Texas.

SECTION 5. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, or any appendix thereof, for any reason, be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 6. There is no financial impact as a result of the passage of this Ordinance.

SECTION 7. No other provision of the City Code is amended hereby and all other provisions shall remain in effect.

SECTION 8. The City Clerk for the City of San Antonio is hereby directed to publish notice of this ordinance in a newspaper published in the City of San Antonio, Texas, as required by Article 2, Section 17 of the City Charter of San Antonio, Texas.

SECTION 9. The publishers of the City Code of San Antonio are authorized to amend said Code to reflect the changes adopted herein, to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 10. This Ordinance shall become effective on the xxnd day of June, 2010.

PASSED AND APPROVED this xxth day of June, 2010.

M A Y O R
Julián Castro

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Michael Bernard, City Attorney